



IFW

Docket No. END5084USNP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Randal T. Byrum  
Serial No. : 10/784,416 Art Unit: 3736  
Filed : February 20, 2004 Examiner: Not Yet Assigned  
For : SURGICALLY IMPLANTABLE ADJUSTABLE BAND HAVING A  
FLAT PROFILE WHEN IMPLANTED

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent And Trademarks Office.

\_\_\_\_\_/Kimberly M. Moses/  
Kimberly M. Moses

August 8, 2005  
Date

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on February 20, 2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2).

☐ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed February 20, 2004.

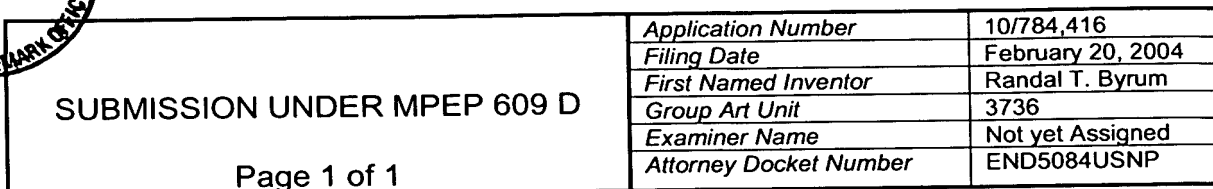
☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/END5084USNP/DLG.

Respectfully submitted,

\_\_\_/Dean L. Garner/\_\_\_  
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DATED: August 8, 2005

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|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|



Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO

(use as many sheets as necessary)

Sheet 1 of 1

|                               |                   |
|-------------------------------|-------------------|
| <b>Application Number</b>     | 10/784,416        |
| <b>Filing Date</b>            | February 20, 2004 |
| <b>First Named Inventor</b>   | Randal T. Byrum   |
| <b>Group Art Unit</b>         | 3736              |
| <b>Examiner Name</b>          | Not yet Assigned  |
| <b>Attorney Docket Number</b> | END5084USNP       |

## U.S. PATENT DOCUMENTS

[illegible]

**FOREIGN PATENT DOCUMENTS**

[illegible]